

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

|                      |   |                                |
|----------------------|---|--------------------------------|
| ANGELO ARROYO,       | : |                                |
|                      | : | Civil Action No. 08-5187 (JBS) |
| Plaintiff,           | : |                                |
|                      | : |                                |
| v.                   | : | <b>ORDER</b>                   |
|                      | : |                                |
| ATLANTIC CITY POLICE | : |                                |
| DEPARTMENT, et al.,  | : |                                |
|                      | : |                                |
| Defendants.          | : |                                |

For the reasons expressed in the Opinion filed herewith,

IT IS on this 30<sup>th</sup> day of March, 2009,

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees or security; and it is further

ORDERED that the excessive force claim may proceed as against Defendants Officer Michael Oldroyd and John Does 1 through 10; and it is further

ORDERED that the excessive force claim is DISMISSED WITHOUT PREJUDICE as against Defendant Atlantic City Police Department; and it is further

ORDERED that Plaintiff may file an Amended Complaint addressing the deficiencies of his Complaint any time within 30 days after the date this Order is entered; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve summons and copies of the Complaint, this Order, and the Opinion accompanying this Order upon Defendant Officer Michael Oldroyd and, upon submission of adequate identifying information, upon Defendants John Does 1 through 10, with all costs of service advanced by the United States; and it is further

ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), Defendants who are served shall file and serve a responsive pleading within the time specified by Fed.R.Civ.P. 12; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel in accordance with the factors set forth in Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), cert. denied, 510 U.S. 1196 (1994), which sets forth the requirements for eligibility for appointment of pro bono counsel. Plaintiff is advised that such appointment is not automatic; and it is further

ORDERED that the Clerk shall enclose with such notice a copy of Appendix H and a form Application for Appointment of Pro Bono Counsel; and it is further

ORDERED that, if at any time Plaintiff seeks the appointment of pro bono counsel, pursuant to Fed.R.Civ.P. 5(a) and (d), Plaintiff shall (1) serve a copy of the application for Appointment of Pro Bono Counsel by regular mail upon each party at his last known address or, if the party is represented in this action by an attorney, upon the party's attorney and the attorney's address, and (2) file a Certificate of Service with the Application for Pro Bono Counsel.

**s/ Jerome B. Simandle**  
Jerome B. Simandle  
United States District Judge